

Application No.: 10/003,315
Appeal Brief dated February 16, 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
Cheng, et al.) Group Art Unit: 2143
Serial No.: 10/003,315) Examiner: George C. Neurauter
Filed: December 6, 2001) Docket No. 004832.00073

For: Globalization Management System And Method Therefor

Replacement Appeal Brief

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Sir:

This is a resubmission of the Appeal Brief filed in support of Appellants' October 17, 2008, Notice of Appeal. Appeal is taken from the Final Office Action mailed April 17, 2008. This resubmission of the Appeal Brief is based on the examiner's notice of non-compliant appeal brief of October 16, 2009.

General Authorization of Payment of Fees

If any fees are due in this application, whether or not associated with this filing, please charge any fees due to Deposit Account No. 19-0733.

I. Table Of Contents

Appeal Brief.....	1
I. Table Of Contents	2
II. Real Party In Interest	3
III. Related Appeals And Interferences	4
IV. Status Of Claims	5
V. Status Of Amendments	6
VI. Summary Of Claimed Subject Matter.....	7
VII. Grounds Of Rejection To Be Reviewed On Appeal.....	11
VIII. Argument	12
A. Rejection of Claims 1-5 over Lakritz.....	12
1. Independent Claim 1	12
2. Dependent Claims 2-5.....	15
B. Rejection of Claims 6-14 over Lakritz.....	15
1. Independent Claim 6	15
2. Dependent Claims 7-14.....	16
C. Rejection of Claim 15 over Lakritz	16
IX. Claims Appendix	17
X. Evidence Appendix.....	22
XI. Related Proceedings Appendix	23

II. Real Party In Interest

37 C.F.R. § 41.37(c)(1)(i)

The owner of this application, and the real party in interest, is SDL International America Incorporated.

III. Related Appeals And Interferences

37 C.F.R. § 41.37(c)(1)(ii)

There are no related appeals or interferences.

IV. Status Of Claims

37 C.F.R. § 41.37(c)(1)(iii)

Claims 1-15 are pending and rejected. Appellants hereby appeal the rejection of claims 1-15.

V. Status Of Amendments

37 C.F.R. § 41.37(c)(1)(iv)

No after final amendment or after final response was filed prior to the filing of the Notice of Appeal and this Appeal Brief.

VI. Summary Of Claimed Subject Matter

37 C.F.R. § 41.37(c)(1)(v)

In referring herein to various embodiments in the specification text and/or drawings to explain the claimed invention, Appellants do not intend to limit the claims to those embodiments. All references to the specification and drawings are illustrative unless otherwise explicitly stated. Appellants refer to the specification and drawings as originally filed.

The invention of claim 1 relates to a globalization management system that manages multiple interrelated data sources based on a change in a resource from a source or provider site. See page 1, lines 3-5, of the specification as originally filed. In short, the globalization management system provides translation services for content hosted on websites.

Figure 3 and its related description describe how users (4, 4', and 4'') access web sites (102, 104, and 106) having content in various languages (see page 7, lines 10-16). The globalization management system (200x from Figures 1 and 3) obtains source content from a company's content database and provides translated content back to the company. See page 6, lines 8-19, and page 7, lines 12-16.

The globalization management system of claim 1 includes target application interfaces (see page 7, lines 1-2, and page 9, lines 1-2) and a global management engine (also referred to as a globalization manager engine 100) (see page 8, line 22, through page 9, line 2).

The globalization manager engine 100 uses agent 208 and target application interfaces 222 to communicate with the data sources. See page 6, line 24, through page 7, line 3, and page 8, line 23, through page 9, line 3. The target application interfaces 222 (also, 222' and 222'') provide the appropriate conversion between the source databases' protocols (Vignette, Interwoven, File system etc.) to the protocol of the globalization manager engine 100. See page 14, lines 6-23.

The globalization manager engine 100 is described with reference to Figure 2 as including an IIS server 204 that exchanges data (in the form of a presentation embodied in an ASP page or Java server page JSP 206) with an agent 208. Figure 2 shows the agent 208 including a COM/COBRA interface with a workflow engine and a GCM engine.

The global management engine 100 includes a “site-to-site relationship manager” as recited in claim 1 and described in Figure 15. The “site-to-site relationship” identifies provider and subscriber relationships, language translation, and localization requirements between the multiplicity of interrelated data sources.

The global management engine 100 includes a “means for periodically reading data representing current content from the multiplicity of interrelated data sources” that are identified as provider sites by the site-to-site relationship manager according to a predetermined schedule as recited in claim 1 and described in Figures 6 and 16.

The global management engine 100 includes a “means for comparing said periodically read data representing current content with data representing prior content to identify content changes at a respective provider site” as recited in claim 1 and described in Figures 6 and 16.

The global management engine 100 includes “a project manager for automatically transferring said data identified as a content change by said comparing means to at least one of said interrelated data sources identified as a subscriber site by said site-to-site relationship manager” as recited in claim 1 and described in Figures 6, 16, and 17.

To assist the examiner’s review of the independent claims, the applicant provides the various recitations of the independent claims in a table with the above-cited descriptions:

Claim 1	Support in Application as Filed
A globalization management system for managing resources of multiple interrelated data sources	Page 1, lines 3-5, describing the globalization management system provides translation services for content hosted on websites.
corresponding to a plurality of sites	Figure 3. Specifically, web sites (102, 104, and 106).
accessed through a communications network, comprising:	Figure 3. Users (4, 4', and 4'') access web sites (102, 104, and 106).
a plurality of target application interfaces,	Page 7, lines 1-2, and page 9, lines 1-2 accessed by a global management engine (also referred to as a globalization manager engine 100) on page 8, line 22, through page 9, line 2.
each of said target application interfaces being respectively coupled to at least one of the interrelated data sources through the communications network,	The globalization manager engine 100 uses agent 208 and target application interfaces 222 to communicate with the data sources. See page 6, line 24, through page 7, line 3, and page 8, line 23, through page 9, line 3.

<p>each of said target application interfaces including means for converting a protocol of the respective data source to a predetermined protocol and said predetermined protocol to said protocol of the respective data source; and,</p>	<p>The target application interfaces 222 (also, 222' and 222") provide the appropriate conversion between the source databases' protocols (Vignette, Interwoven, File system etc.) to the protocol of the globalization manager engine 100. See page 14, lines 6-23.</p>
<p>a global management engine coupled to said plurality of target application interfaces, said global management engine communicating with each of said target application interfaces with said predetermined protocol,</p>	<p>See Figure 4 and the coupling of GM engine 100 to Remote TAI 222" and page 8, line 22, through page 9, line 8.</p>
<p>said global management engine including (a) a site-to-site relationship manager for identifying provider and subscriber relationships, language translation, and localization requirements between the multiplicity of interrelated data sources,</p>	<p>Figure 15 shows the operation of the site-to-site relationship manager. See also, page 18, line 23, through page 21, line 8, that describes the operation process.</p>
<p>(b) means for periodically reading data representing current content from the multiplicity of interrelated data sources identified as provider sites by said site-to-site relationship manager according to a predetermined schedule,</p>	<p>Figure 16 and page 21, line 9, through page 22, line 24, where a change is detected (see page 22, lines 5-8) that describe the periodic checking of data.</p>
<p>(c) means for comparing said periodically read data representing current content with data representing prior content to identify content changes at a respective provider site, and</p>	<p>Figure 16 and page 21, line 9, through page 22, line 24, where the change is compared (see page 22, lines 8-14).</p>
<p>(d) a project manager for automatically transferring said data identified as a content change by said comparing means to at least one of said interrelated data sources identified as a subscriber site by said site-to-site relationship manager.</p>	<p>Block 582 associated with transferring data to the assigned to the subscriber. See page 22, lines 13-18.</p>
<p>Claim 6</p>	
<p>A method of managing resources of a multiplicity of interrelated data sources corresponding to a plurality of sites accessed through a communications network, comprising the steps of:</p>	<p>Page 1, lines 3-5, describing the globalization management system provides translation services for content hosted on websites.</p>
<p>analyzing the multiplicity of interrelated data sources to identify architecture, protocol, language and localization requirements;</p>	<p>Figure 7, processes 400-418.</p>
<p>establishing at least one target application interface for transferring data to and from said</p>	<p>Figure 6, process 360.</p>

<p>multiplicity of interrelated data sources;</p> <p>establishing a site-to-site interrelationship model identifying provider and subscriber relationships between said multiplicity of interrelated data sources;</p>	Figure 12, process 484 and Figure 15, processes 520-556.
<p>periodically reading data representing site content from said multiplicity of interrelated data sources identified as site content providers in said model;</p>	Figure 16, process 576.
<p>comparing said periodically read data with data representing predetermined site content to identify data representing content changes; and,</p>	Figure 16, process 580
<p>transferring said identified data representing changed content to at least one of said multiplicity of interrelated data sources identified as a site content subscriber in said model.</p>	Figure 16, process 582, and Figure 17, process 608/610.

VII. Grounds Of Rejection To Be Reviewed On Appeal

37 C.F.R. § 41.37(c)(1)(vi)

- Claims 1-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,623,529 to Lakritz; and
- Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lakritz.

VIII. Argument

37 C.F.R. § 41.37(c)(1)(vii)

Claims 1-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lakritz (U.S. Patent No. 6,623,529). The rejection is respectfully traversed.

A. Rejection of Claims 1-5 over Lakritz

1. Independent Claim 1

A claim is anticipated only if each and every element is set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 recites, *inter alia*:

“...(b) means for periodically reading data representing current content from the multiplicity of interrelated data sources identified as provider sites by said site-to-site relationship manager according to a predetermined schedule, (c) means for comparing said periodically read data representing current content with data representing prior content to identify content changes at a respective provider site, and (d) a project manager for automatically transferring said data identified as a content change by said comparing means ...”

Lakritz does not disclose at least these recitations. First, Lakritz does not teach periodically reading data based upon a predetermined schedule. Lakritz discloses that “the Manager’s Console detects when a document in the master language has been updated,” (col. 9, lines 44-45) but this is not a teaching that detection occurs periodically on a predetermined schedule. Indeed, Lakritz does not teach how or when the detection occurs at all, only that the “web site manager” will be immediately alerted if “a document in the master language is

subsequently updated.” (Col. 13, lines 9-12). If the manager is immediately alerted to changes then no predetermined detection schedule is being used. Rather, the alert must originate at the time the master language document is updated “thereby ensuring that information on the Web site is always current...” Col. 9, line 38-40.

In the current office action, the examiner asserts at page 4 that “there must be some sort of predetermined schedule...” Thus, in the absence of any explicit teaching of a predetermined schedule the Examiner is arguing that, because a result is achieved, Lakritz inherently discloses the schedule. Applicants submit that the Examiner’s position is incorrect.

In replying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. *Ex parte Levy*, 17 U.S.P.Q. 2d 1461, 1464 (B.P.A.I. 1990). The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 U.S.P.Q. 2d 1955, 1957 (Fed. Cir. 1993).

Because Lakritz teaches that the web site is always current and that the web site manager is immediately alerted to changes in the master document, it is not reasonable to read into Lakritz a teaching that the detection occurs on a predetermined schedule. Detection on a schedule would fail to detect changes implemented during periods in which the detection is not performed, resulting in situations where the web site is not always current. Such a result is clearly contradicted by the language in Lakritz requiring immediate alerts to maintain always current websites. Thus, rather than teach that periodic scheduled detection necessarily flows from the teachings, as the Examiner infers, Lakritz establishes that scheduled detection is not practical in view of Lakritz’s goals.

Second, Lakritz does not teach that identifying content change is carried out by comparing periodically read content to previous content as recited in claim 1. Lakritz teaches that the web page is always current, that the website manager is immediately alerted to changes in the document, and that the manager then obtains translations of the document. Lakritz likely checks each document every time the document is saved because such an approach would achieve Lakritz’s goals of maintaining always current websites. But this is not a comparison of

periodically read content as recited in claim 1. Lakritz thus fails to teach detecting changed content by comparing periodically read content to prior content.

Third, while Applicants' system is automatic, Lakritz's system requires user input. In Applicants' system, resources of web sites identified as subscribers are automatically updated in response to changes in a resource on one or more source or provider sites, without user input or initiation, with the end result that "multilingual and multi-site web-site globalization can be efficiently and substantially automatically managed." (Specification, para [2] and [25]). Lakritz does not disclose a project manager for *automatically* transferring the data identified as a content change to at least one of the interrelated data sources identified as a subscriber site. Lakritz discloses that once the user (web site manager) has been alerted to updates in a document in the master language, the user must initiate the translation of other documents requiring updates "at the click of a button." (See col. 9, lines 45-50). Thus Lakritz teaches manual updates requiring human intervention, not automatic updates.

Further, where translation in a newly added language is required, the user must also specify "the new languages from a pulldown list." (Col. 10, lines 19-25). Once the user has been notified that translation is complete, the user can then "install the translated documents back onto the active area of the Web site...or can make them available for internal review within the organization." (Col. 14, lines 5-17). That the user is presented with the option not to publish the translated documents implies that user control is required for such sensitive determinations and therefore serves an integral role in the operation of the Lakritz system. Thus, Lakritz does not teach automatically transferring data as recited.

Finally, the Examiner's interpretation of Lakritz regarding "automatically transferring said data identified as a content change by said comparing means" is incorrect. The Examiner contends that the "Web site manager" of Lakritz teaches the recited "project manager." See pages 5 of Office Action mailed April 17, 2008 citing Lakritz at col. 11, lines 17-60. Lakritz's "Web site manager" is a human, not an automatic system as only a human would "simply click on a button, using Console's 1202 "one-touch" translation feature..." (See column 13, lines 15-17). In contrast, Applicants' project manager is an automatic process, as claim 1 recites:

"a project manager for automatically transferring said data identified as a content change by said comparing means to at least

one of said interrelated data sources identified as a subscriber site by said site-to-site relationship manager.”

As Lakritz only discloses a human (whose job title is a Web site manager) who must click a button prior to any documents being released, Lakritz fails to disclose the “project manager” as recited.

In summary, Lakritz fails to teach every element of claim 1 at least because (1) there is no disclosure that the detection in Lakritz occurs periodically according to a predetermined schedule; (2) there is no disclosure that the detection is carried out by comparing periodically read content to prior content, and (3) there is no disclosure of a project manager to automatically transfer the identified data. Lakritz therefore cannot anticipate claim 1.

2. *Dependent Claims 2-5*

Claims 2-5 depend from claim 1 and are allowable for at least the reasons set forth above for claim 1.

B. Rejection of Claims 6-14 over Lakritz

1. Independent Claim 6

Like claim 1, claim 6 recites periodically reading data and comparing that data to identify changes. Lakritz teaches that the web page is always current, that the website manager is immediately alerted to changes in the document, and that the manager then obtains translations of the document. Lakritz likely checks each document every time the document is saved because such an approach would achieve Lakritz’s goals of maintaining always current websites. But this is not a comparison of periodically read content as recited in claim 1. Lakritz thus fails to teach detecting changed content by comparing periodically read content to prior content. Because Lakritz fails to teach all elements of claim 6, the anticipation rejection should be withdrawn.

2. *Dependent Claims 7-14*

Claims 7-14 depend from claim 6 and are allowable for at least the reason set forth above for claim 6.

C. Rejection of Claim 15 over Lakritz

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lakritz. This rejection is respectfully traversed. In view of the above discussion, Applicants respectfully submit that Examiner has not made a *prima facie* case of obviousness with respect to claim 15.

For all of the foregoing reasons, Appellants respectfully submit that the final rejection of claims 1-15 is improper and should be reversed.

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IX. Claims Appendix
37 C.F.R. § 41.37(c)(1)(viii)

Claims involved in the appeal:

1. (Previously Presented) A globalization management system for managing resources of multiple interrelated data sources corresponding to a plurality of sites accessed through a communications network, comprising:

a plurality of target application interfaces, each of said target application interfaces being respectively coupled to at least one of the interrelated data sources through the communications network, each of said target application interfaces including means for converting a protocol of the respective data source to a predetermined protocol and said predetermined protocol to said protocol of the respective data source; and,

a global management engine coupled to said plurality of target application interfaces, said global management engine communicating with each of said target application interfaces with said predetermined protocol, said global management engine including (a) a site-to-site relationship manager for identifying provider and subscriber relationships, language translation, and localization requirements between the multiplicity of interrelated data sources, (b) means for periodically reading data representing current content from the multiplicity of interrelated data sources identified as provider sites by said site-to-site relationship manager according to a predetermined schedule, (c) means for comparing said periodically read data representing current content with data representing prior content to identify content changes at a respective provider site, and (d) a project manager for automatically transferring said data identified as a content

change by said comparing means to at least one of said interrelated data sources identified as a subscriber site by said site-to-site relationship manager.

2. (Original) The globalization management system as recited in Claim 1 where said project manager includes means for transferring said data identified as a content change by said comparing means to a language translation site through the communications network responsive to said site-to-site relationship manager identifying said content change data as requiring language translation, said project manager including means for receiving data from said language translation site and transferring said received data to at least one of said interrelated data sources identified as subscriber site.

3. (Original) The globalization management system as recited in Claim 1 where said project manager includes means for localizing said data identified as a content change by said comparing means responsive to said site-to-site relationship manager identifying said content change data as requiring localization.

4. (Original) The globalization management system as recited in Claim 1 where said global management engine is implemented on a server coupled to the communications network.

5. (Original) The globalization management system as recited in Claim 1 where said current content from the interrelated data sources is stored in a repository selected from the

group consisting of a database system, a file system, a content management system and a combination thereof.

6. (Original) A method of managing resources of a multiplicity of interrelated data sources corresponding to a plurality of sites accessed through a communications network, comprising the steps of:

analyzing the multiplicity of interrelated data sources to identify architecture, protocol, language and localization requirements;

establishing at least one target application interface for transferring data to and from said multiplicity of interrelated data sources;

establishing a site-to-site interrelationship model identifying provider and subscriber relationships between said multiplicity of interrelated data sources;

periodically reading data representing site content from said multiplicity of interrelated data sources identified as site content providers in said model;

comparing said periodically read data with data representing predetermined site content to identify data representing content changes; and,

transferring said identified data representing changed content to at least one of said multiplicity of interrelated data sources identified as a site content subscriber in said model.

7. (Original) The method as recited in Claim 6 where said step of transferring said identified data is preceded by the step of processing said identified data representing changed content by transforming said changed content from a first language to a second language.

8. (Original) The method as recited in Claim 7 where said step of translating includes the step of transferring said identified data representing changed content to a translation portal through the communications network.

9. (Original) The method as recited in Claim 6 where said step of transferring said identified data is preceded by the step of processing said identified data representing changed content by localizing said changed content for consistency with said localization requirements.

10. (Original) The method as recited in Claim 6 where said step of establishing a site-to-site interrelationship model includes the step of identifying for a respective one of said interrelated data sources those interrelated data sources to receive said changed content as a subscriber thereto, and those interrelated data sources from which said respective interrelated data source receives changed content as a subscriber therefrom.

11. (Original) The method as recited in Claim 6 where said step of establishing a site-to-site interrelationship model includes the step of identifying for a respective one of said interrelated data sources said data representing site content requiring an action selected from the group consisting of transformation and migration of said content for a predetermined site content subscriber.

12. (Original) The method as recited in Claim 11 where said step of identifying includes the step of identifying site content requiring localization of said content for a predetermined site content subscriber.

13. (Original) The method as recited in Claim 11 where said step of identifying includes the step of identifying site content requiring language translation of said content for a predetermined site content subscriber.

14. (Original) The method as recited in Claim 11 where said step of identifying includes the step of identifying site content requiring copying of said content for a predetermined site content subscriber.

15. (Original) The method as recited in Claim 11 where said step of identifying includes the step of identifying site content requiring copying of said content for a predetermined site content subscriber with a HIDE flag associated therewith.

X. Evidence Appendix
37 C.F.R. § 41.37(c)(1)(ix)

NONE.

XI. Related Proceedings Appendix

37 C.F.R. § 41.37(c)(1)(x)

NONE.